IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.4435 of 1998

Between:

M. Gopala Krishan Rao, S/o Venkateshwar Rao,
C/o T. Mohan Rao, S.P.C.87 CIB Quarters,
Old Malakpet, Hyderabad.

..... PETITIONER

AND

1 Government of A.P., Rep. by its Secretary
Finance & Planning (FC.II) Department, Secretariat,
Hyderabad.
2 The Secretary and Commissioner,
Board of Intermediate Education, Vidhya Bhavan,
Nampally, Hyderabad.
3 The Superintending Engineer,
Nagarjuna Sagar Left Canal, Miryalguda,
Nalgonda District.
4 The Superintending Engineer,
Nagarjuna Sagar Left Canal, Tekulapalli-507 002
5 The Secretary,
Surplus IV, A.P., Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, Direction or Writ particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the Proceedings Rc.No.491/A-A2/93 dt:4.9.96 issued by 2nd respondent prescribing the condition to forego the original seniority in the parent department and treating the petitioner as fresher in the category of Jr. Assistant for the purpose of seniority as illegal and unjust; and

consequently direct the 2nd Respondent to prescribe the seniority and fixation of pay duly taking into the length of service rendered in the parent Department for the purpose of seniority with all consequential benefits and pass

Counsel for the Petitioner: Mr. G.VIDYASAGAR

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing Proceedings dated 4-4-1996 prescribing the condition to forego the original seniority in the parent Department and treating the petitioner as fresher in the category of Junior Assistant for the purpose of seniority as arbitrary and illegal.

The learned counsel for the petitioner placed before this Court a copy of Government Memo No.29730/484/SMPC/99, dated 20-9-1999 wherein it is indicated that the past service rendered by the personnel like the petitioner, in the parent department, shall be counted for pensionery benefits and last pay drawn is protected. In the said Memo, it was also stated that as the past service is counted and last pay drawn is protected, it is but natural to count the previous service rendered for giving the benefit of automatic advance increment of 8/16/24 years pay scales, as the case may be. Learned counsel also submitted that pursuant to the said Memo, the petitioner has been extended with the said benefits.

In view of the above, no further orders are necessary in the Writ Petition and it is accordingly closed.

27-6-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

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6 2 CCs to Government Pleader for Irrigation, High Court Buildings, Hyderabad (OUT)

7 2 CD copies